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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 9, 2021

Subject: Bill Brief on HB 2144

HB 2144 requires an offender who raises an error in such offender's criminal history calculation for the first time on appeal to show prejudicial error.

The bill amends K.S.A. 21-6814, the statute that requires the criminal offender's criminal history to be admitted in court by the offender or determined at the sentencing hearing by the sentencing judge. The bill would provide that if an offender raises a challenge to that criminal history calculation for the first time on appeal, the offender shall have the burden of designating a record that shows prejudicial error. If the offender fails to provide such record, the appellate court shall dismiss the claim.